

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, January 15, 2013

ANDERS, Sheila	W-14543	Referred by Decision Review
Motion:	Affirm the decision to grant parole made on October 30, 2012, because the prisoner no longer poses an unreasonable risk of danger to the public based on reliable evidence of her level of insight into the causative factors of her life crime, remorse for her actions, and acceptance of responsibility for the consequences of her action.	
Motion by:	Anderson	
Second by:	Ferguson	
Not Present:	Figueroa	
Decision:	Motion carried.	
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BENNETT, Tony	H-10932	Governor-Referred
Motion:	Refer for a rescission hearing to consider whether the panel improvidently granted parole to Mr. Bennett on September 3, 2009, as a result of the following fundamental errors: (1) his failure to recognize his true motives for the life crime and (2) his lack of insight into the causative factors of his life crime. The Board requests a new comprehensive risk assessment be prepared for use by the rescission hearing panel.	
Motion by:	Peck	
Second by:	Garner	
Not Present:		
Decision:	Motion failed to carry.	
Motion:	Refer for a rescission hearing to consider whether the panel improvidently granted parole to Mr. Bennett on September 3, 2009, as a result of the following fundamental errors: (1) his failure to recognize his true motives for the life crime; (2) his lack of insight into the causative factors of his life crime; his minimization of his actions leading up to the life crime; and his lack of credibility concerning his actions when committing the life crime. The Board requests a new comprehensive risk assessment be prepared for use by the rescission hearing panel.	
Motion by:	Peck	
Second by:	Garner	
Not Present:		
Decision:	Motion carried.	

BLACK II, Theodore	Pardon
Motion:	Refer Mr. Black's application for pardon to the Governor with a favorable recommendation.
Motion by:	Anderson
Second by:	Zarrinnam
Not Present:	
Decision:	Motion carried.

GUTIERREZ, Doreen	W-82022	Referred by Decision Review
Motion:	Vacate the November 21, 2012, hearing and set a new parole suitability hearing to be conducted in accordance with Penal Code section 3041.5(b)(2) and California Code of Regulations, title 15, section 2255.	
Motion by:	Garner	
Second by:	Ferguson	
Not Present:		
Decision:	Motion carried.	

JASTER, Theodore	Pardon
Motion:	Refer Mr. Jaster's application for pardon to the Governor with a favorable recommendation.
Motion by:	Peck
Second by:	Roberts
Not Present:	
Decision:	Motion carried.

LIVINGSTON, Richard	Pardon
Motion:	Refer Mr. Livingston's application for pardon to the Governor with a favorable recommendation.
Motion by:	Turner
Second by:	Labahn
Not Present:	
Decision:	Motion carried.

MEDINA, Alejandro	Pardon
Motion:	Refer Mr. Medina's application for pardon to the Governor with a favorable recommendation.
Motion by:	Garner
Second by:	Fritz

Not Present:

Decision: Motion failed to carry.

Motion: Refer Mr. Medina's application for pardon to the Governor with a favorable recommendation.

Motion by: Figueroa

Second by: Fritz

Not Present: Labahn

Decision: Motion carries.

PERROTTE, Jeffery	H-89472	Referred by Decision Review
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Motion: Vacate the October 10, 2012, hearing and set a new parole suitability hearing to be conducted in accordance with Penal Code section 3043.2(a)(1).

Motion by: Garner

Second by: Peck

Not Present:

Decision: Motion carried.

PETERSON, Robert	B-85767	Referred by Decision Review
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Motion: Vacate the October 3, 2012, hearing and set the matter for a new hearing on the next available calendar with the same panel (if feasible) due to errors of fact regarding Mr. Peterson's education achievements, vocational achievements and disciplinary record.

Motion by: Turner

Second by: Garner

Not Present:

Decision: Motion carried.

REYES, Russell	K-87002	PC 1170(e)
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Motion: *Case was not put forth for consideration.*

Motion by:

Second by:

Not Present:

Decision:

VIRGIL, Glenda	W-27823	Referred by Decision Review
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Motion: Affirm the panel's October 2, 2012, decision to deny parole based on Ms. Virgil's lack of insight regarding her recent and repeated pro-criminal thinking related to her institutional possession of tobacco contraband.

Motion by: Garner
Second by: Anderson
Not Present:
Decision: Motion carried.

WILLIAMS, Victor	B-52321	Governor-Referred
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Motion: Affirm the panel's decision to grant parole made on July 5, 2012, because the prisoner no longer poses an unreasonable risk of danger to the public.

Motion by: Ferguson
Second by: Peck
Not Present:

Decision: Motion carried.